

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 5, 1970  
9:00 A.M.

COUNCIL CHAMBER, CITY HALL

The meeting was called to order with Mayor LaRue presiding.

## Roll Call:

Present: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle,  
Price, Mayor LaRue  
Absent: None

The Invocation was delivered by REVEREND DAN STEEL, Grace Church of the Nazarene.

## PROCLAMATION - ALL VETERANS DAY

Mayor LaRue read and then presented a proclamation, calling upon all Austin residents to assist in every way possible the observance of All Veterans Day with appropriate ceremonies on November 11, 1970. Commander M. G. Rethlake, General Chairman of the All Veterans Day Committee, introduced several of the other members of the Committee.

## PROCLAMATION - POPPY DAY

Mayor LaRue read and then presented a proclamation, designating the days of November 7-11, 1970, as Poppy Days in Austin and encouraging the citizens of Austin to wear the memorial poppy as a tribute to all Austin veterans. Mrs. Jim McAdams, President of the American Legion Auxiliary Post #83, accepted the proclamation and distributed poppies to the Mayor and members of the Council. She extended an invitation to the Council to attend the Veterans Day Breakfast from 6:00 to 9:00 A.M. on November 11.

## APPROVAL OF MINUTES

Councilman Gage moved the Council approve the Minutes of the September 28, 1970 Recessed Meeting of September 24, 1970, the Regular Meeting of October 15, 1970 as corrected, and the Regular Meeting of October 22, 1970. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### REQUEST TO DISPLAY BANNERS GRANTED

Councilman MacCorkle moved the Council grant the request of Commander M. G. Rethlake, All Veterans Day Committee, that the City of Austin display the Red, White and Blue Downtown Street Banners, November 6-12, in recognition of the 1970 All Veterans Day Activities. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### COMMENDATION TO COUNCIL AND POLICE CHIEF

Mr. F. D. O'Connell read a resolution adopted by Travis Post #76 of the American Legion, Department of Texas, strongly supporting the City of Austin Police Department along with the Mayor and City Council in carrying out their responsibilities to protect the lives and property of the citizens of Austin. Mr. C. T. Johnson of the American Legion Post #76 presented two citations of appreciation, one to the Mayor and the other to Police Chief Bob Miles.

#### HUMAN RELATIONS COMMISSION DISCUSSED

Mr. Gus Garcia, representing the Human Relations Commission, requested that the Council urge the City Manager to hire an Executive Director for the Human Relations Commission and that the Council appoint new members to fill vacancies in the Commission. City Manager Andrews reported that there had been about fifty applicants for the position of Executive Director and about 5 to 10 of them had been interviewed. He hoped to make an appointment as quickly as possible. Mayor LaRue stated that the Council would appoint individuals to fill Commission vacancies either during the present Meeting or on the following Tuesday.

#### HEARING OPENED AND RECESSED

Councilman Johnson moved the Council open and recess the Public Hearings scheduled for 9:30 A.M. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None  
Out of Room at  
Roll Call: Councilman Gage

## PARADE PERMIT GRANTED

Councilman Price moved the Council grant the request of Mr. Jack G. Fritz, representing Texas A&M University, for a parade permit for Thursday, November 26, 1970, from 9:30 to 10:45 A.M. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None  
Out of Room at  
Roll Call: Councilman Gage

## REQUEST FOR USE OF CITY PROPERTY GRANTED

Councilman Johnson moved the Council grant the request of the Downtown Optimist Club for use of City-owned property at 28th Street and North Lamar for sale of Christmas trees from November 23 to December 26. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None  
Out of Room at  
Roll Call: Councilman Gage

## ITEM DEFERRED

Councilman Atkison moved the Council grant the request of Mr. Maurice Angly, Jr. to defer consideration of a petition to open rehearing Zoning Case #C14-69-112 until November 19, 1970. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None  
Out of Room at  
Roll Call: Councilman Gage

## HEARING ON DAY CARE CENTER

Mayor LaRue reopened the hearing scheduled for 9:30 A.M. on an appeal from the Planning Commission decision on October 13, 1970, granting a special permit for a Day Care Center to Trinity Baptist Church.

Mr. Dennis Ebert, Associate Pastor at Trinity Baptist Church, stated that his wife was Director of the Day Care Center. He was unable to understand why they had had difficulty in obtaining the special permit for the Day Care Center because he felt that they had met all the requirements of the City. He believed there was a need for this Day Care Center, as only 6 of the 36 day care centers operated by non-profit organizations, licensed by the City, offered day care for children under 2 years old. Of those 6, none were farther north than Hyde Park Baptist Church.

He made use of a map to point out where their applicants resided, most of whom were from the vicinity of the Center in north Austin and a majority of whom were for children under 2 years old. He also felt that their status as a Christian organization was important to many parents, noting that there were a number of other churches in the City operating day care centers.

He believed there would be a very small amount of noise created, which would not disturb the neighbors. He did not believe there had been any complaints when the Church had operated a day care center about three years earlier. He believed the streets adjoining the Church property were wide enough to handle additional traffic, and he stated that all employees had off-street parking. Ninety percent of the loading and unloading of children would take place in off-street parking areas. He did not believe there would be traffic problems for children going to and returning from school, and he noted the traffic lights in the area. He stated that their traffic would not be at the same time as traffic generated by the school. He noted that there was a six foot picket fence and stated that children would not be allowed to be a nuisance to neighbors.

Mr. Claude C. Fuqua stated that he resided at 5407 Grover Street, directly across from the Church property. He noted that the Council had denied a permit on October 13, and the special permit requested would amount to the same thing. He stated that Grover Street was narrow, particularly with cars parked on both sides of it. He believed that a day care center at the Church would cause traffic problems, particularly for children traveling to and from McCallum High School. He also believed there would be noise problems. He stated that real estate agents had told him that a Church Day Care Center would devalue his property by 50%.

Mr. Ebert objected to Mr. Fuqua reading a newspaper extract from the October 29 issue of the Austin American Statesman. Mayor LaRue ruled that the article could be read, although this did not imply that the Council agreed with the article or even that it was relevant to the question at hand. Mr. Fuqua read from the article which reported that the State Security Board had ordered the Trinity Baptist Church to stop selling fraudulent Church bonds and had implicated the pastor in misappropriation of Church funds. Mr. Fuqua noted that the Council had a petition signed by opponents to the Day Care Center.

Mrs. J. Herman Frederick, resident at 5315 Grover, opposed the Center because of present traffic congestion which would be increased. She noted other nurseries which existed in the area.

Mrs. H. C. Dobson, resident at 5403 Grover, objected to the Center because of the traffic problems.

Mrs. Ted Thelien, resident at 5402 Aurora Drive, objected because of traffic and parking problems.

Mr. Ebert stated that the article read by Mr. Fuqua was misleading and untrue and that the Day Care Center would be run separately from the Church. He explained that the Day Care Center would be a non-profit operation. He discussed with Councilman Price their anticipated fees and expenses.

Councilman MacCorkle discussed with Mr. Ebert the buses used for children on Sunday mornings. They discussed the extent of training of workers in the Day Care Center. Councilman MacCorkle did not feel the Center should be located in

this residential neighborhood. In response to Councilman MacCorkle's question, Mr. Ebert stated that there were now 21 children in the Center, and the special permit requested was for 50 children. Mr. Ebert stated that several families in the neighborhood supported the Day Care Center. He did not believe the Center would lower property values but instead would be an improvement in attracting young homebuyers. He dealt with some of the objections he had heard from neighbors.

Mr. P. O. Adams stated that most of the objections seemed to come from residents on Grover Street while the Day Care Center traffic would be primarily on Roosevelt.

Mr. Ebert noted that students from McCallum High School came to the Day Care Center on a regular basis to study the behavior patterns of children, and he believed this was a contribution to the neighborhood. In response to Councilman Price's question, Mr. Ebert stated that the facility was checked regularly by the State Health Department. Councilman Price discussed the competence of the Center's employees in handling babies.

In response to Councilman Johnson's question, Mr. Ebert stated that the Day Care Center already had the approval of the Department of Public Welfare. All that was now required was Council approval of the special permit approved by the Planning Commission. Mr. Ebert stated that Church members were contributing financially to the Day Care Center. In response to Councilman Johnson's question, he estimated that about 16 of the 50 children would be under the age of 2.

Mrs. Stevenson stated that she had a child under 2 years old in the Center, and from personal observation she was well satisfied with the quality of care received.

City Attorney Butler reviewed the 8 standards required by City ordinance for the granting of a special permit for a day care center.

#### Motion

Councilman Janes moved the Council uphold the recommendation of the Planning Commission to grant a special permit for a Day Care Center at Trinity Baptist Church. The motion, seconded by Councilman Atkison, failed to carry by the following vote:

Ayes:	Councilmen Atkison, Janes, Mayor LaRue
Noes:	Councilmen Johnson, MacCorkle, Price
Out of Room at	
Roll Call:	Councilman Gage

Mayor LaRue noted that Councilman Gage would be back in the Council Chamber presently and that the Council would have the opportunity to consider this item again, as it required four votes to take action.

#### CORRECTION TO MINUTES

Councilman Price moved the Minutes of the Regular Meeting of October 15, 1970, be corrected to show Councilman Johnson voting "no" and Councilman MacCorkle

voting "aye" on the request for parade permit by the Austin Chicano Huelga. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### ZONING HEARINGS

Mayor LaRue reopened the Zoning Hearing scheduled for 9:30 A.M. Pursuant to published notice thereof, the following zoning applications were publicly heard:

LINALICE CAREY C14-70-170	4007-4009 Ave. B	From "A" Residence to "B" Residence RECOMMENDED by the Planning Commission
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Councilman Janes moved the Council grant the change from "A" Residence to "B" Residence as recommended by the Planning Commission. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted as recommended by the Planning Commission and instructed the City Attorney to draw the necessary ordinance to cover.

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O. D. PONDER, JR. C14-70-173	5212 Avenue H	From "A" Residence to "LR" Local Retail (as amended) RECOMMENDED by the Planning Commission as amended subject to 5' of right-of-way
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Mr. William D. Sowell, resident at 5209 Avenue G, opposed the change. He objected because Avenue H was not a main thoroughfare, and he believed the change would lower the value of his property.

Mr. O. D. Ponder, Jr. noted that "LR" Local Retail zoning already existed on adjoining properties, and he did not see how the change would lower Mr. Sowell's property value. In response to Councilman Gage's question, he stated that his property had access from Avenue H and from an alley to the rear.

Mr. Sowell stated that the alley to the rear was quite congested.

Mr. Dick Lillie, Planning Director, stated that the Planning staff would recommend against "LR" zoning.

Councilman Price moved the Council grant the change from "A" Residence to "LR" Local Retail (as amended) as recommended by the Planning Commission subject to 5' of right-of-way. The motion, seconded by Councilman Janes, failed to carry by the following vote:

Ayes: Councilmen Atkison, Janes, Price  
 Noes: Councilmen Gage, Johnson, MacCorkle, Mayor LaRue

The Mayor announced that the change had been DENIED.

Councilmen Gage and Johnson both stated that they would consider this request favorably if the adjoining lot with frontage on 53rd Street could be acquired and the two lots developed as one unit. Mr. Lillie noted that in the event that occurred, Mr. Ponder would not have to wait a year before reapplying.

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THOMAS JAMES	2936 East 12th St.	From "A" Residence to "O" Office
C14-70-174		Recommend be withdrawn

Councilman MacCorkle moved the Council uphold the recommendation of the Planning Commission that the request for zoning change be withdrawn. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

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B. D. KING	908-912	From "GR" General Retail & "LR"
by Woodrow Patterson	East 49 1/2	Local Retail to "GR" General
C14-70-177	Street	Retail
		RECOMMENDED by the Planning
		Commission

Councilman Johnson moved the Council grant the change from "GR" General Retail and "LR" Local Retail to "GR" General Retail as recommended by the Planning Commission. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

The Mayor announced that the change had been granted as recommended by the Planning Commission and instructed the City Attorney to draw the necessary ordinance to cover.

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FRED CALVERT  
by Richard Baker  
C14-70-180

4514-4515 Witham  
Lane

From Interim "A" Residence, 1st  
Height and Area to "B" Residence,  
1st Height and Area  
RECOMMENDED by the Planning  
Commission and eliminate the 50  
foot setback on the subject tract,  
subject to departmental require-  
ments on termination of Witham  
Lane.

Councilman Johnson moved the Council grant the change from Interim "A" Residence, 1st Height and Area to "B" Residence 1st Height and Area as recommended by the Planning Commission with elimination of the 50 foot setback on the subject tract, subject to departmental requirements on termination of Witham Lane. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been granted as recommended by the Planning Commission subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

#### REFUND CONTRACT ORDINANCE

Mayor LaRue introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE DEPUTY CITY MANAGER TO ENTER INTO A CERTAIN REFUND CONTRACT WITH LUMBERMAN'S INVESTMENT CORPORATION; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the second time, and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the third time and Councilman MacCorkle moved that the ordinance be finally passed. The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### ZONING ORDINANCES

Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: LOT 2, E. C. BROWN SUBDIVISION, LOCALLY KNOWN AS 2009 CULLEN AVENUE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Price moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the second time, and Councilman Price moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the third time, and Councilman Price moved that the ordinance be finally passed. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the ordinance had been finally passed.

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Mayor LaRue introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS: A 35,283 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1713-1801 STATE HIGHWAY 29 AND 1710-1802 OLD AUSTIN-DEL VALLE ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman Janes moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the second time, and Councilman Janes moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The ordinance was read the third time, and Councilman Janes moved that the ordinance be finally passed. The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the ordinance had been finally passed.

#### BUS RATE ORDINANCE - SECOND READING

Mayor LaRue brought up the following ordinance for its second reading:

#### AN ORDINANCE MODIFYING RATE SCHEDULE OF TRANSPORTATION ENTERPRISES, INC.

Mr. Paul Bennight, of Transportation Enterprises, presented a letter dated November 2, 1970, requesting withdrawal of the 25¢ fare to Westover and Northwest Hills. Councilman Gage stated that he was not willing to consider any rate changes until the Council had an opportunity to see the company's financial statements for August through October.

Mr. Bennight proposed that the special school bus fare be reduced from 20¢ to 15¢ and that the fare for children through high school age on the regular buses be reduced from 25¢ to 10¢. Councilman Johnson suggested the issuance of student discount cards to students in the Austin school district at an approximate rate of \$1.25 per week. City Attorney Butler noted that students were to be carried for one-half of the regular adult fare. Mr. Bennight discussed the feasibility of the student discount card proposal.

Councilman Janes questioned the necessity of the 5¢ zone transfer charge. Mr. Bennight stated that the transfer charge would be 2¢ for children and students.

Councilman Janes agreed with Councilman Gage that the Council should have been provided with financial statements. Mr. Bennight stated that he was unaware

this had not been done. Councilman Johnson believed the Council should go ahead with the second reading, although they would not act on final passage until they had the financial statements.

Councilman Gage stated that he was not willing to consider any zone fare unless the rate for school children on all buses was 10¢. He believed the special school bus rate was a subterfuge to get around State law.

Mrs. William Johnson, representing the Austin City Council of Parent and Teachers, stated that their original goal was to reduce fares for children to the original 10¢ previously charged or possibly 12 1/2¢ without any increase in adult fares. They were favorable to a system of weekly passes. She stated that if the Council considered the ordinance in its present form to be in the best interests of the total community, they would bow to the Council's judgment.

#### Motion

The ordinance was read the second time, and Councilman Johnson moved that the ordinance be passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Janes, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: Councilmen Atkison, Gage

Councilman Atkison made the following statement:

"I will continue to support the reduction of school fares as such, but at the same time I will not vote to subsidize by additional charges for this reduction."

Councilman Janes made the following statement:

"I am going to vote against my conscience here just to be sure we don't get in a legal entrapment."

RECESSED MEETING

2:00 P.M.

The meeting was reconvened with Mayor LaRue presiding.

#### DAY CARE CENTER

Mayor LaRue noted that Councilman Gage wished to read the Minutes of the hearing held in the morning session on a special permit for a day care center at Trinity Baptist Church before taking action on this item. Consequently, this item would probably not be taken up again during the present meeting.

#### ZONING HEARINGS

At 2:00 P.M. Mayor LaRue opened the Zoning Hearings scheduled for that time. Pursuant to published notice thereof, the following zoning applications were publicly heard:

HELEN D. NOHRA  
by John Selman  
C14-70-169

From "A" Residence to "B"  
Residence  
RECOMMENDED by the Planning  
Commission

Mr. John Selman argued for the change, stating that the neighborhood had changed from an "A" single-family residential neighborhood. He noted "B", "LR", "GR", and "C" zonings in the area. He stated that within a radius of one block there were nine multi-unit dwellings. He believed this was the area to which the University campus was expanding.

Mr. Miguel Gonzales-Gerth, resident at 4109 Avenue G, opposed the change, stating that the area between 39th and 44th Streets on Avenues F, G, and H was primarily an "A" Residential area, containing single-family dwellings and duplexes. He stated that any University expansion into the area would be a long time in the future. He stated that he represented 20 people living within a 300 foot radius of the property in question who were opposed to the change. He was concerned that the change would increase traffic and air and noise pollution. He presented a petition containing names of 125 opponents.

Mrs. Clara Arledge, resident at 310 East 43rd, opposed the change.

Miss Robyn Richter read a letter from her mother, who was ill, stating that the streets in the area were narrow and that increased traffic would be dangerous to children and many elderly people living in the area.

Mrs. Marshall C. Johnston, resident at 3905 Avenue G, objected to trees and greenery being replaced with structures and asphalt.

Mr. Selman stated that both 43rd and Avenue G were both 80 feet wide streets, capable of carrying additional traffic. He noted that this was an old house which could not be used any longer as a single-family residence, and its most logical use was as a boarding or fraternity house. He was willing for the Council to go look at the property.

Councilman Johnson suggested that changes on 43rd Street should not be allowed to extend into the residential side streets. In response to Councilman Atkison's question, Mr. Selman expressed reservations about agreeing to a restrictive covenant limiting use to only a fraternity or sorority house. Councilman Gage stated that he would vote for the change with such a restrictive covenant and if access were limited only to 43rd Street. Mr. Selman stated he would agree to a 25 foot buffer zone. Councilman MacCorkle stated that he did not favor the zoning change.

Mr. Gonzalez-Gerth did not believe it would be practical for access to be limited to 43rd Street and feared that curb cuts on Avenue G would be demanded. Mr. Selman stated that his client would agree to a restrictive covenant permitting no curb cuts on Avenue G.

Mr. Wayne Wood suggested that the property be disposed of as four fifty-foot lots, rather than one entire block. Mr. Lillie discussed what the off-street parking requirements would be.

Motion Made and Withdrawn

Councilman MacCorkle moved the Council DENY the change. City Attorney Butler stated that a petition had just been filed but it had not been checked yet to see if it contained the required signatures of 20% of property owners within 200 feet. Councilman MacCorkle withdrew his motion.

Councilman Price asked that the request be held in abeyance until Council members had a chance to look at the property. Mayor LaRue announced that the Council would defer action on this request for zoning change.

O. R. McCASLIN  
C14-70-179

503 West 38th  
Street

From "A" Residence to "C"  
Commercial  
NOT RECOMMENDED by the Planning  
Commission  
RECOMMENDED by the Planning  
Commission "B" Residence subject  
to 5 feet of right-of-way on  
38th St.

Councilman Price moved that the Council grant the request of the applicant to postpone this case until the next zoning hearing. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

GENE H. WALTER  
C14-70-171

1201 Larkwood Dr.

From "A" Residence to "O" Office  
NOT RECOMMENDED by the Planning  
Commission

Mr. George Webb, representing the applicant, requested that the hearing on this case be postponed as Mr. Walter could not be present. Mayor LaRue noted that opposition present wished the case to be heard at this time.

Mr. Webb stated that this property was at the corner of Cameron Road and Larkwood, noting that Cameron Road was already a heavily travelled thoroughfare. He presented pictures to the Council showing the nature of establishments in the area. He stated that there were only nine residential buildings on the east side of Cameron Road, only one of which he knew to be owner-occupied and not engaged in some sort of office or "B" activities.

Councilman Janes discussed with Mr. Lillie whether "O" zoning would be required for Mr. Walter to have a desk in his home to facilitate the hiring and firing of employees for his beauty salon. Mr. Webb stated that Mr. Walter would have no employees in his home and no beauty shop operations there. He thought perhaps only "B" zoning, rather than "O" would be required to permit Mr. Walter to have a desk in his home for conducting interviews. Mr. Lillie stated that an office as part of a dwelling unit required only "B" zoning. Mr. Webb stated that Mr. Walter had authorized him to amend the request to "B" rather than "O" zoning.

Councilman Johnson noted that under "A" zoning, no signs would be allowed, and Mr. Webb believed that Mr. Walter would need a sign.

Mr. Lillie stated that the application was for an antique shop rather than a personal office. City Manager Andrews stated that no zoning change was required for Mr. Walter to install a desk in his home.

Mrs. Helen L. Moore, resident at 1313 Ridgemont Drive, opposed the change which would permit the encroachment of commercial developments into a residential neighborhood. She stated that a similar application for zoning change on Mr. Webb's property a year earlier had been turned down by the Planning Commission.

#### Motion

Councilman Janes moved the Council uphold the recommendation of the Planning Commission to DENY the change. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change had been DENIED.

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GENE NAUMAN & HENRY WENDLANDT, JR. by George Hatfield C14-70-172	1144-C through 1100-D Spring- dale Road	From "A" Residence to "GR" General Retail RECOMMENDED by the Planning Commission
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Mr. Henry Wendlandt, Jr. stated that the property was surrounded by commercial and multi-family units and that this property would be improved with the development of a retail establishment on it.

Mr. Charles Pankey, resident at 4600 Munson Street, presented a petition signed by opponents, stating that the change was not consistent with the residential character of the neighborhood and would lead to increased noise and traffic. He favored the property being used for single-family or duplex.

Mr. Wendlandt stated that Springdale Road was a major artery which would eventually be commercial in nature.

Councilman Janes moved the Council grant a change from "A" Residence to "B" Residence 1st Height and Area. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

The Mayor announced that the change to "B" Residence, 1st Height and Area had been granted and instructed the City Attorney to draw the necessary ordinance to cover.

ALTENHEIM a Division 4009-4015  
of Lutheran Social Avenue H  
Service, Inc. 401-403 East  
by Rolf A. Normann 41st Street  
C14-70-175

From "A" Residence to "B"  
Residence  
RECOMMENDED by the Planning  
Commission

Mr. Dick Lillie, Planning Director, stated that a petition had been filed which would have to be checked for validity. Mr. Rolf Normann stated that the reason for the request was to expand the existing facilities in order to meet new regulations of the Public Welfare Department.

Mrs. <sup>Nathalie</sup> Nancy Ekstrom, representing her mother who resided at 4012 Duval, stated that she was not opposed to the expansion of facilities but requested that if expansion took place that the air conditioners be vented up.

Mayor LaRue announced that this item would be held in abeyance to permit checking on the validity of the petition.

WENDLANDT ESTATE 3011 West 35th St.  
by W. R. Coleman 3100-3102 & 3101-  
and Associates 3103 Warren St.  
C14-70-178 3304-3308 & 3303-  
3309 Maywood Ave.  
3305-3415 Pecos St.  
(subj. property as  
amended)

From "A" Residence to "BB"  
Residence (as amended)  
RECOMMENDED by the Planning  
Commission as amended on the  
area covered by the special per-  
mit and subject to subdivision

Mr. Larry Niemann, representing the applicant, stated that this request had been completely redone pursuant to Planning Department recommendations since this case had last been before the Council about a year previously. He noted that there were a number of duplexes in the area. He stated that the heavy traffic on Pecos Street made the area unsuitable for single-family dwellings. He pointed out that any traffic ingress or egress would be prohibited from Pecos, Maywood, or Warren Streets. He did not believe there would be any increased traffic flow on Pecos, Maywood, or Warren.

Mr. Niemann stated that only 14.7 units per acre were planned for this development, and there would be a good deal of green space. He did not believe the project would attract University students or young couples with many small children. He believed this development would improve the neighborhood, particularly as opposed to the alternative of duplexes permitted by "A" zoning.

Mr. W. R. Coleman, the designer of the project, discussed the layout of the cluster-type housing planned.

Mr. J. D. Finley, resident at 3200 West 35th, opposed the change. He believed that "A" residences could be built on Pecos Street.

Mr. Dan Strait, resident at the corner of Pecos and Scenic Drive, did not believe this type of construction would add to the beauty of their residential area. He feared that if this zoning were granted, "BB" zoning would further spread into their neighborhood.

Mr. William Leach, resident at 2706 Pecos, believed that additional cars would worsen an already hazardous situation.

Mr. Chester Snyder, resident on Maywood Avenue, agreed that the proposed development would lead to an unsafe situation.

Mrs. Louis Kubecka, resident on Jamesborough, believed the development would be an attractive addition. She asked that the City fill in or build a bridge over the dip in Pecos Street.

Mrs. Robert Umstattd, resident on Wade, believed that if this request were approved, there would soon be more apartments in the area. She stated that 90% of the neighborhood would be in favor of a rollback to "AA" zoning.

Councilman Johnson believed that the cluster-type housing planned would attract the same type of residents as were in the neighborhood, as opposed to duplex housing. There was discussion as to how to make the traffic situation on Pecos less hazardous.

In response to Mr. Finley's question, Mr. Niemann stated that it was unlikely that this property would be used for single-family dwellings, rather than duplexes, if the zoning were unchanged. Councilman Gage believed that the proposed development would be better for the neighborhood than the probable alternative of duplexes. Mr. Leach requested that if the zoning change were to be granted that all of the property be included, rather than a portion deleted. Mr. Lillie stated that the area not included in the area recommended for change was not included in the special permit; if it were rezoned, there would be no permit control of how it could be used.

#### Motion

Councilman Janes moved the Council grant the change from "A" Residence to "BB" Residence (as amended) as recommended by the Planning Commission as amended on the area covered by the special permit and subject to subdivision. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Mayor announced that the change had been granted as recommended by the Planning Commission as amended subject to the conditions and instructed the City Attorney to draw the necessary ordinance to cover.

#### ANNEXATION HEARING SET

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That a public hearing be held at 9:30 o'clock A.M., in the City Council Chambers of the City of Austin on the 19th day of November, 1970, for the purpose of providing an opportunity for all interested persons to be heard on consideration of the institution of annexation proceedings with respect to the below described property, to-wit:

TRACT 1: 0.10 of one acre of land, same being out of and a part of the John Applegait Survey in Travis County, Texas, which 0.10 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron pin on the corporate limit line of the City of Austin now pending before the City Council of the City of Austin, which point of BEGINNING is the northwest corner of the herein described tract of land, same being a point in the proposed corporate limit line of the City of Austin, from which point of BEGINNING the most easterly corner of Lot 1, Block N, Northcape, Section Three, a subdivision of record in Book 50 at page 13 of the Plat Records of Travis County, Texas, bears S 87° 00' W 1,007.92 feet, and from which point of BEGINNING the intersection of the east line of Childress Drive with the north line of Floyd Drive bears southwesterly 1,098 feet, more or less;

THENCE, with said corporate limit line of the City of Austin now pending before the City Council of the City of Austin in a northerly direction with the following two (2) courses:

(1) N 29° 51' E 200.00 feet to an iron pin;

(2) N 37° 37' E 50.48 feet to an iron pin at the northwest corner of the herein described tract of land, same being a point in the proposed corporate limit line of the City of Austin;

THENCE, with said proposed corporate limit line of the City of Austin, S 60° 19' E 22.00 feet to an iron pin at the northeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a southerly direction with the following two (2) courses:

(1) S 29° 41' W 50.00 feet to an iron pin;

(2) S 38° 05' W 202.17 feet to the point of BEGINNING.

TRACT 2: 8.88 acres of land, same being out of and a part of the William Cannon League in Travis County, Texas, which 8.88 acres of land are more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument on the present corporate limit line of the City of Austin as adopted by ordinance dated August 6, 1970, which point of BEGINNING is the southeast corner of Lot 2, Block P, Flournoy's Sweetbriar, Section VI, a subdivision of record in Book 50 at page 87 of the Plat Records of Travis County, Texas, same being the most easterly northeast corner of the herein described tract of land, and which point of BEGINNING is in the proposed corporate limit line of the City of Austin;

THENCE, with the proposed corporate limit line of the City of Austin, S 14° 43' W 301.18 feet to an iron pin at the southeast corner of the herein described tract of land;

THENCE, continuing with the proposed corporate limit line of the City of Austin in a westerly direction with the following five (5) courses:

- (1) N 75° 17' W 110.00 feet to an iron pin;
- (2) N 41° 15' W 72.35 feet to an iron pin;
- (3) N 74° 59' W 167.92 feet to a concrete monument;
- (4) N 82° 44' W 228.36 feet to an iron pin;

(5) N 65° 52' W 773.89 feet to an iron pin at the southwest corner of the herein described tract of land, same being a point in the east line of Block R, Flournoy's Sweetbriar, Section 2, a subdivision of record in Book 30 at page 39 of the Plat Records of Travis County, Texas, same being the present corporate limit line of the City of Austin as adopted by ordinance dated June 16, 1966;

THENCE, with said present corporate limit line of the City of Austin as adopted by said ordinance dated June 16, 1966, ordinances dated January 25, 1968, April 10, 1969, and August 14, 1969, and the aforesaid ordinance dated August 6, 1970, in a northerly, easterly and southerly direction to the point of BEGINNING.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and directed to cause a notice of such hearing to be published in a newspaper having general circulation in this City and in the area proposed to be annexed, such publication to be made not more than twenty (20) days, nor less than ten (10) days prior to the hearing.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### EASEMENTS RELEASED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Northwest Terrace, Section Three, a subdivision in the City of Austin, Travis County, Texas, of record in Book 45 at Page 40 of the Plat Records of Travis County, Texas, same being out of and a part of Lot 15, Block H, of said Northwest Terrace, Section Three; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

64 square feet of land, same being out of and a part of Lot 15, Block H, Northwest Terrace, Section Three, a subdivision in the City of Austin, Travis County, Texas, of record in Book 45 at Page 40 of the Plat Records of Travis County, Texas; said 64 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the herein described tract of land, same being a point in the west line of said Lot 15, Block H, same being the east line of Lot 14, Block H, and from which point of beginning an iron pin at the most southerly northwest corner of said Lot 15, same being the northeast corner of said Lot 14, bears N 30° 00' E 9.26 feet;

THENCE, N 59° 03' E 18.60 feet to the northeast corner of the herein described tract of land;

THENCE, S 30° 57' E 3.00 feet to the southeast corner of the herein described tract of land, same being a point in the south line of an existing seven and one-half (7.50) foot public utilities easement;

THENCE, with said south line of an existing seven and one-half (7.50) foot public utilities easement, S 59° 03' W 24.00 feet to the southwest corner of the herein described tract of land, same being a point in the aforesaid west line of Lot 15, same being the aforesaid east line of Lot 14;

THENCE, with said west line of Lot 15, N 30° 00' E 6.18 feet to the point of beginning.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

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Councilman Gage offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Wooten Terrace, Section Two, a subdivision in the City of Austin, Travis County, Texas, of record in Book 33 at Page 35 of the Plat Records of Travis County, Texas; said easement being out of and a part of Lot 31, Block G, Wooten Terrace, Section Three, a subdivision in the City of Austin, Travis County, Texas, of record in Book 39 at Page 7 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

148 square feet of land, same being out of and a part of Lot 31, Block G, Wooten Terrace, Section Three, a subdivision in the City of Austin, Travis County, Texas, of record in Book 39 at Page 7 of the Plat Records of Travis County, Texas; said 148 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at the northwest corner of the herein described tract of land, same being a point in the east line of an existing ten (10.00) foot public utilities easement, and from which point of beginning an iron pin at the southwest corner of said Lot 31, Block G, same being the southeast corner of Lot 30, Block G, in said Wooten Terrace, Section Three, bears N 89° 14' W 5.40 feet and S 22° 54' W 9.05 feet;

THENCE, S189° 14' E 27.23 feet to the northeast corner of the herein described tract of land;

THENCE, S 27° 29' E 5.68 feet to the southeast corner of the herein described tract of land;

THENCE, N 89° 14' W 31.95 feet to the southwest corner of the herein described tract of land, same being a point in the aforesaid east line of an existing ten (10.00) foot public utilities easement;

THENCE, with said east line of an existing ten (10.00) foot public utilities easement N 22° 54' E 5.40 feet to the point of beginning.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes by map or plat of Whispering Oaks I, a subdivision in the City of Austin, Travis County, Texas, of record in Book 47 at Page 67 of the Plat Records of Travis County, Texas, same being out of and a part of Lot 2, Block 3, of said Whispering Oaks I; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portion of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portion of said easement is not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the Deputy City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portion of said public utility easement, to-wit:

A strip of land two (2.00) feet in width, same being out of and a part of Lot 2, Block 3, Whispering Oaks I, a subdivision in the City of Austin, Travis County, Texas, of record in Book 47 at Page 67 of the Plat Records of Travis County, Texas; the centerline of said strip of land two (2.00) feet in width being more particularly described as follows:

BEGINNING at a point in the curving north line of said Lot 2, Block 3, same being the south line of Mimosa Drive, said curve having an angle of intersection of 29° 21', a radius of 189.59 feet and a tangent distance of 49.65 feet, and from which point of beginning an iron pin at the northwest corner of said Lot 2, same being the northeast corner of Lot 3, Block 3, bears N 38° 44' W 6.50 feet;

THENCE, with a line six and one-half (6.50) feet east of and parallel to the west line of said Lot 2, S 49° 18' W 123.14 feet to point of termination in the north line of an existing fifteen (15.00) foot public utilities easement, and from which point of termination an iron pin at the southwest corner of said Lot 2, same being the southeast corner of said Lot 3, bears N 46° 34' W 6.53 feet and S 49° 18' W 7.54 feet.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

## AGREEMENT AUTHORIZED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to enter into a certain contract with LO-VACA Gathering System for the lowering of a 12-inch high pressure gas line located in Lawrence Street right-of-way; and in accordance with the terms and provisions of that certain contract exhibited to the City Council; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk is hereby directed to file a copy of said contract in the permanent records of her office without recordation in the Minutes of the City Council.

The motion, seconded by Councilman Price, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

## PAVING REFUNDS AUTHORIZED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, paving and drainage improvements have been constructed and completed in Highland Mall Boulevard and Airport Boulevard, which are eligible for refund in the amount of \$37,876.72 to Austin Mall, Inc., in accordance with the policies of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That said refund in the amount of \$37,876.72, be, and the same is hereby approved.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None  
 Present But Not  
 Voting: Councilman Gage

CASH SETTLEMENTS AUTHORIZED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Emerald Forest, Section 3, have installed a 12 inch cast iron water main in lieu of an 8 inch cast iron water main with a cost difference of \$21,224.05, pursuant to a subdivision plan called Emerald Forest, Section 3, and have requested that the City participate in the added cost of the 12 inch cast iron main; and,

WHEREAS, the Deputy City Manager and the Director of Water and Waste Water Department of the City of Austin have recommended said participation; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager, be and he is hereby authorized and directed to enter into a participation agreement under the terms of which the City of Austin shall acquire title to the above described main from Lumberman's Investment Corporation, the actual cost of said participation not to exceed \$21,224.05.

The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
 Mayor LaRue  
 Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of South Town Plaza, Section 1 have installed water and sewer mains at a cost of \$18,061.79, pursuant to a subdivision plan called South Town Plaza, Section 1 and have requested a 75%/25% cash settlement of the above amount in lieu of a refund contract; and,

WHEREAS, the owners of South Town Plaza, Section 1 have installed a 12 inch cast iron water main in lieu of an 8 inch cast iron water main with a cost difference of \$1,282.05, pursuant to a subdivision plan called South Town Plaza, Section 1 and have requested that the City participate in the added cost of the 12 inch cast iron water main; and,

WHEREAS, the owners of South Town Plaza, Section 1 have installed, in accordance with City requirements, in Royal Hill Drive, a dual line at a cost of \$3,112.20, and have requested 100% cash settlement of the above amount; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager, be and he is hereby authorized and directed to execute a cash settlement contract under the terms of which the City of Austin shall acquire title to the above described water and sewer mains from Don Lyda, and to pay to Don Lyda 75% of the actual cost not to exceed \$13,546.35; and,

That the said Dan H. Davidson, be and he is hereby authorized and directed to enter into a participation agreement under the terms of which the City of Austin shall acquire title to the above described 12 inch cast iron water main from Don Lyda, the actual cost of said participation not to exceed \$1,282.05; and,

That the said Dan H. Davidson, be and he is hereby authorized and directed to enter into a participation agreement under the terms of which the City of Austin shall acquire title to the above described dual line, from Don Lyda and to pay to Don Lyda 100% of the actual cost thereof not to exceed \$3,112.20.

The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

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Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Northwest Hills Ranch No. 1, have installed 600 feet of 6-inch cast iron main and appurtenances at a cost of \$4,765.41, pursuant to a subdivision plan called Northwest Hills Ranch No. 1, and have requested a 50%/50% cash settlement of the above amount in lieu of a refund contract; and,

WHEREAS 50% of the aforementioned \$4,765.41 equals \$2,382.71, which amount is agreed upon as the cash settlement value of said utility lines, in lieu of refund contract; and,

WHEREAS, the Deputy City Manager and the Director of Water and Waste Water Department of the City of Austin have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager, be and he is hereby authorized and directed to execute a cash settlement contract under the terms of which the City of Austin shall acquire title to the above described mains, from David B. Barrow and John Campbell and to pay to David B. Barrow and John Campbell 50% of the actual cost thereof not to exceed \$2,382.71.

The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the owners of Austin Mall, Resubdivision Lot 5, have installed a sanitary sewer main at a cost of \$3,610.00 pursuant to a subdivision plan called Austin Mall, Resubdivision Lot 5, and have requested a 60%/40% cash settlement of the above amount in lieu of a refund contract; and,

WHEREAS, 40% of the aforementioned \$3,610.00 equals \$1,440.00 which amount is agreed upon as the cash settlement value of said utility lines in lieu of refund contract; and,

WHEREAS, the Deputy City Manager and the Director of Water and Waste Water Department of the City of Austin have recommended said cash settlement in lieu of a refund contract; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Dan H. Davidson, Deputy City Manager be and he is hereby authorized and directed to execute a cash settlement contract under the terms of which the City of Austin shall acquire title to the above described mains, from Austin Mall, Incorporated, and to pay to Austin Mall, Incorporated 40% of the actual cost thereof not to exceed \$1,440.00.

The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

CONTRACTS AWARDED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 27, 1970 for the installation of approximately 730 feet of 18-inch C-76, Cl. IV Concrete Pipe, 63 feet of 12-inch Ductile Iron Pipe and 61 feet of 8-inch Concrete Sewer Pipe and appurtenances in West 26th Street from Wichita Street to Whitis Avenue; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$57,150.00 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Director of Water and Waste Water Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company in the sum of \$57,150.00 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Austin Engineering Company.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

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Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 23, 1970 for Eighteen (18) each 1000 KVA, 12500/277/480Y volt Network Transformers; Six (6) each 500 KVA 12500/277/480Y volt Network Transformers; and Six (6) each 500 KVA 12500/125/216Y volt Network Transformers to be used by the Electric Distribution Division; and,

WHEREAS, the bid of Priester-Mell Company in the sum of \$136,620.00 for Eighteen (18) each 1000 KVA, 12500/277/480Y volt Network Transformers; the bids of Walter Tips Company in the sum of \$35,394.00 for Six (6) each 500 KVA 12500/277/480Y volt Network Transformers and in the sum of \$35,394.00 for Six (6) each 500 KVA 12500/125/216Y volt Network Transformers were the lowest and best bids therefor and the acceptance of such bids has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids as enumerated above be and the same are hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City of Austin with Priester-Mell Company and Walter Tips Company.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

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Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 21, 1970 for One Hundred and Twenty-Five (125) each Galvanized Steel Traffic Signal Poles to be used by the Traffic and Transportation Department; and,

WHEREAS, the bid of Priester-Mell Company in the sum of \$56,531.30 was the lowest and best bid therefor and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Priester-Mell Company in the sum of \$56,531.30 be and the same is hereby accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Priester-Mell Company.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

SALE AUTHORIZED

Councilman Atkison moved the Council authorize sale of the following:

Scrap Metal:

Austin Metal and Iron Company Two (2) months contract - \$4,281.53

City Manager Andrews noted that this was the first time the City had taken formal bids for the selling of scrap metal. He stated that the money would show up as revenue in the next year's budget as well as the present year's budget.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

SALES AUTHORIZED

The Council had before it for consideration the following identical bids on the sale of Surplus Vehicular Equipment:

Identical Bids:

H. B. Alford, Jr. of	One Item	\$85.00
Rainey L. Daugherty		

The following name was drawn by casting of lots:

Rainey L. Daugherty

Councilman Price moved the Council authorize sale of the following items:

Surplus Vehicular Equipment:

1.	Ted Attal Construction Co.	3 items	\$4,210.00
2.	Dexter L. Simons Const. Co.	2 items	727.00
3.	Doyle McCoy	15 items	673.50
4.	Evans Trucking, Inc.	7 items	473.50
5.	Damon Doss	1 item	131.00
6.	Ed Watson	3 items	199.00
7.	Joe W. Gault	1 item	138.00
8.	Jack A. Miller, Inc.	2 items	127.00
9.	Curtis-Gray Const. Co.	2 items	2,958.00
10.	Benny P. Miles	1 item	85.01
11.	J. Nolan Harvey	1 item	55.00
12.	Harkins Company	2 items	285.00
13.	Erland Burkland	2 items	55.30
14.	F. L. Bird Painging Cont.	14 items	40.00
15.	Wylie W. Bennett	1 item	91.05
16.	Our Lady of Mount Carmel	35 items	26.90
17.	Charles R. Webb	2 items	7.02
18.	Garland Coker	5 items	25.04
19.	Kenneth R. Demers	1 item	15.00
20.	Identical Bids:		
	H. B. Alford, Jr.		
	<u>Rainey L. Daugherty</u>		
	by drawing	1 item	85.00

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

BIDS REJECTED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 12, 1970 for the sale of surplus vehicular equipment as listed on the attached "Exhibit A";  
Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, except for items hereinafter rejected, bids underlined on said attachment, being the highest and best bids therefor, are hereby accepted, except as to Item 44 for which two identical bids were received and through casting of lots the bid of Rainey L. Daugherty was accepted; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids for Items 1, 3, 9, 18, 19, 25, 39, 40, 41 and 42, be, and the same are, hereby rejected.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### SALE OF HOUSES

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 26, 1970 for the sale of three (3) City-owned houses to be moved; and,

WHEREAS, the bids of Hoffman Construction Company in the sum of \$378.50 for the house located at 2105 Lake Austin Blvd. and in the sum of \$355.75 for the house located at 400 Rio Vista, and the bid of Alta B. Hoyl in the sum of \$2,190.00 for the house located at 802 Winsted, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of Hoffman Construction Company and Alta B. Hoyl be, and the same are hereby, accepted and that L. H. Andrews, City Manager of the City of Austin, be and he is hereby authorized to execute contracts on behalf of the City with said named parties.

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

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Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 26, 1970 for the sale of six (6) City-owned houses to be removed from the premises by demolition, and,

WHEREAS, Cullen & Cox has bid in the sum of \$60.00 to remove the house located at 603 East 13th Street, in the sum of \$60.00 to remove the house located at 605 East 13th Street, in the sum of \$60.00 to remove the house located at 607 East 13th Street, in the sum of \$125.00 to remove the house located at 508 East 14th Street, in the sum of \$279.00 to remove the house located at 811 West 10th Street, and in the sum of \$150.00 to remove the house located at 1904 West 11th Street, such sums being the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Building Official of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the above enumerated bids of Cullen & Cox be, and the same are hereby accepted and that L. H. Andrews, City Manager of the City of Austin be, and he is hereby, authorized to execute contracts for the payment of said sums on behalf of the City with said named party.

The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

#### LAND ACQUISITION APPROVED

Councilman Price offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the offers of the owners and claimants of the hereinafter described tracts of land to convey unencumbered fee simple title thereto to the City of Austin in consideration of the cash payments in the amounts indicated therefor be accepted, and that the City Manager or his designate be and he is hereby authorized to consummate purchase of the following described tracts of land, to-wit:

#### SEE ATTACHED EXHIBITS

615 Montopolis Drive	\$ 259.30
610 Montopolis Drive	25.00
904 Montopolis Drive	125.00
510 Montopolis Drive	170.00
806 Montopolis Drive	115.00
804 Montopolis Drive	170.00
617 Montopolis Drive	255.00
717 Montopolis Drive	650.00
621 Montopolis Drive	235.00

The motion, seconded by Councilman Gage, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue  
Noes: None

HEARING SET

Councilman Gage moved the Council set a hearing at 9:30 A.M., November 12, 1970, on a proposed change in the City's Master Plan requested for Walnut Hollow Business Park, Inc. by Harvey Smith, approximately 48 acres located north of Highway 969 (East 19th Street) between M.K.T. Railroad and T&N Railroad (Southern Pacific); and 110 acres of additional area located on both sides of subject property, from Suburban Residential to Manufacturing and Related Uses. The motion, seconded by Councilman Price, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

DISPOSITION OF URBAN RENEWAL PARCEL AUTHORIZED

Councilman Gage offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on November 3, 1970, the Board of Commissioners of the Urban Renewal Agency of the City of Austin adopted Resolution Number 344-70, by which the Board accepted the bid of Walter L. McBride for the purchase of parcel GR-2, a tract of land situated in the Kealing Urban Renewal Project No. Tex A-11-3 and more particularly described in said Resolution; and,

WHEREAS, said Resolution Number 344-70, as an official action of the Urban Renewal Agency of the City of Austin, is a public record on file in the office of said Agency at 614 West 6th Street, and said Resolution is incorporated herein by reference for all purposes; and,

WHEREAS, an executed copy of said Resolution was forwarded to the City Council on the 4th day of November, by the Executive Director of the Urban Renewal Agency for approval of the price and conditions of the proposed sale of said property; and,

WHEREAS, the City Council finds nothing objectionable concerning the price and conditions of said bid as submitted, and the recommendation of said Urban Renewal Agency Board as contained in said Resolution Number 344-70;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

That the price and conditions set forth, in the Bid of Walter L. McBride for the purchase of parcel No. GR-2 in the Kealing Urban Renewal Project No. Tex A-11-3 are hereby approved.

The Council discussed how the appraisals on this property were made, and it was noted that the sale price was not below the appraised value. The motion, seconded by Councilman Atkison, carried by the following vote:

- Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price, Mayor LaRue
- Noes: None

**ENGINEERING SERVICES SELECTED**

Councilman Price moved the Council select Knowlton, Ratliff, English, and Collins as the engineering firm for 1970 Capital Improvements Program project for relocation of water and sewer line on IH 35 from East 15th to Manor Road. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Johnson, MacCorkle, Price, Mayor LaRue  
Noes: Councilman Janes

**EXECUTIVE SESSION ITEM**

City Manager Andrews noted that the item of Workman's Compensation Subrogation Claims would be taken up in Executive Session.

**COMMUNICATIONS PRESENTED**

Councilman Janes presented the City Manager with numerous communications, one from the Travis County Medical Society, regarding immunizations for a recommendation as to what action the Council should take.

Councilman Janes presented the City Manager with a letter regarding the library for his recommendation.

**LIGHTING DISCUSSED**

In response to Councilman Johnson's question, City Manager Andrews stated that the street lighting on the public right-of-way around Booker T. Washington Housing Project had been completed, but he did not yet have a report on the status of the additional lighting to be placed in the Project itself. Councilman Johnson urged immediate action regarding the latter. Mayor LaRue stated that he would check on the status of the Housing Project lighting.

**BUS FINANCIAL STATEMENTS RECEIVED**

Councilman Janes noted that the Council had received operating statements from Transportation Enterprises as requested. In response to Councilman Janes' question, City Manager Andrews stated that he would ask the Auditor to check out whether \$32,000 for two months maintenance was a reasonable figure.

**INVITATION RECEIVED**

Mayor LaRue announced that the members of the City Council, the Chief of Police, and others had been invited by Optimist International to attend a meeting on November 11, 1970, at 7:30 P.M. concerning drug abuse. Mayor LaRue stated for the record that the Mayor and members of the Council had a prior commitment to participate in Veterans Day activities at that time and would be unable to attend the Optimist meeting. He noted that the Council would be interested in attending if the meeting were set at some other time.

EXECUTIVE SESSION

Mayor LaRue noted that the Council would go into Executive Session at this time.

ADJOURNMENT

Councilman Johnson moved the Council adjourn. The motion, seconded by Councilman Atkison, carried by the following vote:

Ayes: Councilmen Atkison, Gage, Janes, Johnson, MacCorkle, Price,  
Mayor LaRue

Noes: None

The Council then adjourned.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Clerk